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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,816	12/22/2000	Cary Lee Bates	ROC9-2000-0127-US1	8896

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EXAMINER

ROSENDALE, MATTHEW L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,816

Applicant(s)

BATES ET AL.

Examiner

Matthew L Rosendale

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Steinberg et al.

Referring to claim 1, Steinberg discloses a digital camera, comprising:

a housing 138 in figure 10;

a digital optical sensing apparatus shown in figure 11 mounted within said housing, said digital optical sensing apparatus sensing optical images;

a processor 32 in figure 2 for controlling operation of said digital camera, said processor operating said digital camera in at least two modes of operation, including:

(a) a first mode of operation, wherein said digital optical sensing apparatus senses a biometric parameter of a user of said camera, said processor 32 identifying said user from said biometric parameter; and

(b) a second mode of operation, wherein said digital optical sensing apparatus captures and records an image of an object of interest (Col. 6, Line 17 – Col. 7, Line 51).

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2. Referring to claim 2, Steinberg discloses wherein said biometric parameter is an iris of said user's eye (Col. 6, Lines 36 – 42).
3. Referring to claim 3, Steinberg discloses a viewing window 134 for viewing an image of said object of interest by said user; wherein, in said first mode of operation, said digital optical sensing apparatus in figure 11 senses light representing said biometric parameter, said light entering said camera through said viewing window 134 (Col. 6, Line 17 – Col. 7, Line 51).
4. Referring to claim 4, Steinberg discloses wherein said processor 32 further associates user identifying data with a recorded image of an object of interest where image data of an object cannot be recorded without first obtaining valid user identifying data, said user identifying data being obtained using said biometric parameter (Col. 5, Line 35 – Col. 6, Line 15).
5. Referring to claim 5, Steinberg discloses wherein said processor 32 further selectively enables at least one camera function responsive to identifying said user from said biometric parameter (Col. 6, Lines 36 – 58).
6. Referring to claim 6, Steinberg discloses a digital camera, comprising:
 - a housing 138 in figure 10;
 - a biometric sensing apparatus in figure 11 for sensing a biometric parameter of a user of said digital camera;
 - a processor 32 in figure 2 for controlling operation of said digital camera;

a memory 42, said memory storing biometric parameters associated with one or more potential users of said digital camera; wherein said processor 32 identifies a user of said camera by comparing data obtained from said biometric sensing apparatus 147 with said biometric parameters associated with one or more potential users in said memory 42, and, responsive to identifying a user, associates user identifying information with a digital image captured by said digital camera (Col. 6, Line 17 – Col. 7, Line 51).

7. Referring to claim 7, Steinberg discloses wherein said biometric parameter is an optically measured parameter (Col. 6, Lines 36 – 42).

8. Referring to claim 8, Steinberg discloses wherein said biometric parameter is an iris of said user's eye (Col. 6, Lines 36 – 42).

9. Referring to claim 9, Steinberg discloses wherein said optically measured biometric parameter is obtained by said digital camera using the same digital optical sensing apparatus shown in figure 11 that is used for obtaining images of objects of interest (Col. 6, Line 17 – Col. 7, Line 51).

10. Referring to claim 10, Steinberg discloses a viewing window 134 for viewing an image of said object of interest by said user; wherein said digital optical sensing apparatus in figure 11 senses light representing said biometric parameter, said light entering said camera through said viewing window 134 (Col. 6, Line 17 – Col. 7, Line 51).

11. Referring to claim 11, Steinberg discloses a viewing window 134 for viewing an image of said object of interest by said user; wherein said digital optical sensing apparatus in figure 11 senses light representing said biometric parameter, said light entering said camera through said viewing window 134 (Col. 6, Line 17 – Col. 7, Line 51).

12. Referring to claim 12, Steinberg discloses wherein said processor 32 further selectively enables at least one camera function responsive to identifying said user from said biometric parameter (Col. 6, Lines 36 – 58).

13. Referring to claim 13, Steinberg discloses a method of operating a digital camera, comprising the steps of: obtaining a biometric measurement of a user with optical sensing apparatus of said digital camera shown in figure 11; identifying said user using said optical biometric measurement by comparing it with biometric signature data stored in memory 42, said identifying step being performed automatically by said digital camera; and capturing a digital image of an object of interest with said optical sensing apparatus 160 (Col. 6, Line 17 – Col. 7, Line 51).

14. Referring to claim 14, Steinberg discloses wherein said biometric parameter is an iris of said user's eye (Col. 6, Lines 36 – 42).

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15. Referring to claim 15, Steinberg discloses wherein said step of obtaining a biometric measurement of a user comprises configuring said camera according to a first configuration, wherein light from said user's eye enters said camera through a viewing window shown in figure 11, and is captured by said optical sensing apparatus; and wherein said step of capturing a digital image of an object of interest comprises configuring said camera according to a second configuration by rotating the beam splitter 154 , wherein light from said object of interest enters said camera through a path other than said viewing window such as the taking optical system and is captured by said optical sensing apparatus (Col. 6, Line 17 – Col. 7, Line 51).

16. Referring to claim 16, Steinberg discloses the method of operating a digital camera further comprising the step of: recording information identifying said user in memory 42 in figure 2, said information identifying said user being associated with said captured digital image where image data cannot be captured without obtaining valid biometric identifying information, said information being recorded automatically by said digital camera and the control processor 32 (Col. 5, Line 35 – Col. 7, Line 51).

17. Referring to claim 17, Steinberg discloses wherein said processor 32 further selectively enables at least one camera function responsive to identifying said user from said biometric parameter (Col. 6, Lines 36 – 58).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L Rosendale whose telephone number is (703) 305-4909. The examiner can normally be reached on Monday - Friday 8: 00am-4: 00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLR


NGOC-YEN VU
PRIMARY EXAMINER